

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HASSAN ALI,

Plaintiff,

v.

STERICYCLE, INC., et al.,

Defendants.

No. C 12-3837 PJH

**ORDER DENYING MOTION FOR
LEAVE TO FILE SECOND AMENDED
COMPLAINT**

Plaintiff's motion for leave to file a second amended complaint came on for hearing before this court on April 10, 2013. Plaintiff Hassan Ali ("plaintiff") appeared through his counsel, Daniel Feder. Defendants Stericycle, Inc. and Stericycle Specialty Waste Solutions, Inc. ("defendants") appeared through their counsel, Jacqueline deSouza. Having read the papers filed in conjunction with the motion and carefully considered the arguments and the relevant legal authority, and good cause appearing, the court hereby DENIES plaintiff's motion, for the reasons stated at the hearing and as follows.

In his operative complaint, plaintiff asserts a cause of action for retaliation under Cal. Labor Code § 98.6. Through this motion, plaintiff attempts to add an additional cause of action for retaliation, this time under Cal. Labor Code § 1102.5, and to add "new facts" in support of that cause of action. However, plaintiff has been unable to explain (either in his papers or at the hearing) how this proposed new cause of action adds anything to the case. Instead, the section 1102.5 cause of action appears to be entirely duplicative of the section 98.6 cause of action. Moreover, the factual matters that plaintiff seeks to add are not newly discovered but are instead all matters within his personal knowledge and are taken for the most part from his own deposition. As the moving party, plaintiff bears the burden of

1 convincing the court why amendment is justified at this stage of the case (with extensive
2 discovery having already been conducted in the almost two years since the filing of the
3 original complaint). Because plaintiff has not done so, his motion is DENIED.

4 **IT IS SO ORDERED.**

5 Dated: April 11, 2013



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PHYLLIS J. HAMILTON
United States District Judge